

**IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF PENNSYLVANIA**

CAROL McDONOUGH, et al.,	:	
Plaintiffs	:	
	:	CIVIL ACTION
v.	:	
	:	NO. 06-0242
TOYS “R” US, INC., et al.,	:	
Defendants	:	
	:	

**ORDER**

**AND NOW**, this 15TH day of July 2009, it is **ORDERED** that

- Class Plaintiffs’ Motion for Class Certification (Doc. #463) is **GRANTED** consistent with the accompanying Memorandum and as outlined in this Order;
- Counts II, III, and IV in the Fourth Amended Consolidated Class Action Complaint (Doc. #340) are **DISMISSED** as to all defendants;<sup>1</sup>
- The Fourth Amended Consolidated Class Action Complaint (Doc. #340) is **DISMISSED** without prejudice as to the defendant Kids Line, LLC; and
- The plaintiffs Erin Hall, Sarah Otazo, and Jennifer Sullivan are **DISMISSED**.

**IT IS FURTHER ORDERED** that this action shall be maintained as a class action in accordance with Federal Rule of Civil Procedure 23(b)(3) pursuant to the following:

- The plaintiffs Julie Lindemann, Evelia Ragsdale, Melissa Nuttall, Sara Shuck, Lawrence McNally, Amy Grogan, and Stephanie Bozzo shall represent a subclass defined as “All persons who directly purchased any BabyBjörn baby carrier distributed by Regal Lager from Babies ‘R’ Us within the U.S. for the period February 2, 2000, to April 30, 2005”;

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<sup>1</sup> During the telephone conference on May 13, 2009, counsel for the plaintiffs stated that they are no longer pursuing claims under § 2 of the Sherman Act, 15 U.S.C. §§ 1-7 (2009).

- The plaintiff Melissa Nuttall shall represent a subclass defined as “All persons who directly purchased any Britax car seat from Babies ‘R’ Us within the U.S. for the period January 1, 1999, to January 19, 2006”;
- The plaintiff Yossi Zarfati shall represent a subclass defined as “All persons who directly purchased any Maclaren stroller from Babies ‘R’ Us within the U.S. for the period October 1, 1999, to January 19, 2006”;
- The plaintiffs Stephanie Bozzo and Darcy Trzupek shall represent a subclass defined as “All persons who directly purchased any Medela Pump In Style breast pump from Babies ‘R’ Us within the U.S. for the period July 1, 1999, to January 19, 2006”;
- The plaintiffs Stephanie Bozzo, Carol McDonough, and Lawrence McNally shall represent a subclass defined as “All persons who directly purchased any Peg-Perego stroller from Babies ‘R’ Us within the U.S. for the period July 1, 1999, to January 19, 2006”;
- The issues of whether defendants violated § 1 of the Sherman Act, the duration of the unlawful conduct, whether subclass members suffered antitrust impact under § 4 of the Clayton Act, and the amount of damages shall be treated on a subclass basis;
- The law firms Hagens Berman Sobol Shapiro LLP, Spector Roseman Kodroff & Willis PC, and Wolf Haldenstein Adler Freeman & Herz LLC shall serve as class counsel;
- The plaintiffs shall submit a proposed form of notice to the class by **August 14, 2009**, informing members of how to opt out of the class, explaining their right to bring individual actions, and explaining any difference in potential recovery; and
- The defendants may file objections to the proposed form of notice by **August 28, 2009**.

s/Anita B. Brody

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ANITA B. BRODY, J.

Copies **VIA ECF** on \_\_\_\_\_ to:

Copies **MAILED** on \_\_\_\_\_ to: